

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA,)	
)	Case No.
Plaintiff,)	
)	
v.)	
)	
CONNIE HICKS d/b/a)	
A NEW IMAGE WEIGHT LOSS,)	
)	
Defendant.)	
_____)	

COMPLAINT FOR PERMANENT INJUNCTION AND OTHER EQUITABLE RELIEF

The United States of America, at the request of the Chief Counsel of the Internal Revenue Service, a delegate of the Secretary of the Treasury, and at the direction of the Attorney General of the United States, brings this suit to enjoin the defendant Connie Hicks, doing business as A New Image Weight Loss, from continuing to operate a business without paying the associated federal employment taxes on her employees' wages, and to enjoin her from further violating and interfering with the administration of the internal revenue laws.

Jurisdiction and Venue

1. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1340 and 1345, and 26 U.S.C. § 7402(a).
2. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b)(1) and (2).

Parties

3. Plaintiff is the United States of America.
4. Defendant Connie Hicks is the sole proprietor of A New Image Weight Loss and is responsible for its operation.

Background

A. Connie Hicks' Federal Tax Obligation as an Employer

5. Connie Hicks started doing business as A New Image Weight Loss in January of 2016 as a sole proprietor.

6. Prior to operating as a sole proprietor, Connie Hicks owned and operated her business as a corporation, A New Image Weight Loss Clinic, Inc., from March of 2000 through December of 2015.

7. At all times relevant to this action, Connie Hicks has had employees and, as an employer, has been subject to federal employment tax obligations imposed by the Internal Revenue Code.

8. As an employer, Connie Hicks is required by federal law to withhold her employees' federal income and Federal Insurance Contributions Act (FICA) taxes, and pay over to the IRS those withholdings along with the employer's own FICA and Federal Unemployment Tax Act (FUTA) taxes (collectively "employment taxes"). *See* 26 U.S.C. §§ 3102, 3111, 3301 and 3402.

9. As an employer, Connie Hicks is also required by federal law to make periodic deposits of the withheld taxes, as well as its share of employment taxes, in an appropriate federal depository bank in accordance with applicable Treasury Regulations. 26 U.S.C. §§ 6302, 6157; 26 C.F.R. §§ 31.6302-1, 31.6302(c)-1, and 31.6302(c)-3.

10. As an employer, Connie Hicks is also required by federal law to file Employer's Quarterly Federal Tax Returns (Form 941) and annual Employer's FUTA Tax Returns (Form 940) with the Internal Revenue Service ("IRS"). 26 U.S.C. § 6011; 26 C.F.R. § 31.6071(a)-1.

B. Connie Hicks' History of Noncompliance with her Employment Tax Obligations

11. Connie Hicks has a long history of violating the internal revenue laws by failing to fully pay employment taxes and timely file her federal employment tax returns.

i. Connie Hicks has a history of failing to pay her employment taxes.

12. Connie Hicks has repeatedly failed to make timely and adequate federal employment tax deposits.

13. Aa delegate of the Secretary of the Treasury made assessments against Connie Hicks d/b/a A new Image Weight Loss for her unpaid employment taxes for the taxable periods set forth below:

Assessment Type	Tax Period Ending	Amount of Assessment	Unpaid Portion of Assessment
WT-FICA (Form 941)	March 31, 2016	\$8,689	\$8,689
WT-FICA (Form 941)	June 30, 2016	\$11,703	\$11,703
WT-FICA (Form 941)	September 30, 2016	\$9,918	\$9,918
WT-FICA (Form 941)	December 31, 2016	\$9,104	\$9,104
WT-FICA (Form 941)	March 31, 2017	\$10,399	\$3,832
WT-FICA (Form 941)	June 30, 2017	\$11,157	\$6,804
WT-FICA (Form 941)	September 30, 2017	\$9,601	\$9,501
WT-FICA (Form 941)	December 31, 2017	\$6,222	\$1,828
WT-FICA (Form 941)	September 30, 2018	\$5,056	\$423
FUTA (Form 940)	December 31, 2016	\$444	\$444
FUTA (Form 940)	December 31, 2017	\$315	\$315

14. As a result of Connie Hicks d/b/a A New Image Weight Loss repeatedly withholding taxes from her employees' wages but failing to remit those taxes to the IRS as required by law for the tax periods identified above (referred to as "pyramiding" federal employment taxes), as of November 27, 2018, Connie Hicks will be indebted to the United States in the amount of approximately \$90,922 plus statutory additions to tax that will continue to accrue on the unpaid balance until paid in full.

15. Connie Hicks is the sole proprietor of A New Image Weight Loss and is responsible for its failure to pay its tax liabilities.

16. As the owner of her previous company, A New Image Weight Loss Clinic, Inc., Connie Hicks failed to remit employment taxes to the IRS for various tax periods between June of 2009 and December of 2015, which has resulted in an outstanding employment tax liability of approximately \$127,000.

ii. Connie Hicks has a history of failing to timely file her employment tax returns.

17. For the first two years of operating as a sole proprietorship, Connie Hicks failed to timely file her Employer's Quarterly Federal Tax Returns (Form 941) and annual Employer's FUTA Tax Returns (Form 940) with the IRS.

18. Connie Hicks is the sole proprietor of A New Image Weight Loss and is responsible for its failure to timely file its tax returns.

C. The IRS's Unsuccessful Attempts to Bring Connie Hicks into Compliance

19. The IRS has been attempting to bring Connie Hicks into compliance with the internal revenue laws since 2002 when she was operating A New Image Weight Loss Clinic, Inc.

20. After incurring a substantial employment tax liability as the owner of A New Weight Loss Clinic, Inc. Connie Hicks closed the corporation, started operating as a sole proprietor and continued her illegal conduct.

21. The IRS continued their efforts to bring Connie Hicks, now doing business as A New Image Weight Loss, into compliance with the internal revenue laws.

22. The IRS sent several notices and demands for payment of the unpaid balance of her federal employment tax liabilities.

23. The IRS recorded Notices of Federal Tax Liens against Connie Hicks d/b/a A New Image Weight Loss

24. The IRS has also levied upon Connie Hicks' bank account which returned insufficient funds to stop the accrual of tax or to collect her obligation in full.

25. Lastly, the IRS mailed Letter 903 ("You Haven't Deposited Federal Employment Taxes") to Connie Hicks on March 9, 2018 to place her on notice of the IRS's right to seek a civil injunction.

26. These efforts to collect the taxes owed by Connie Hicks have not prompted her to consistently comply with her employment tax deposits and payment obligations, which she has repeatedly failed to meet, resulting in the pyramiding of federal employment tax liabilities.

27. Connie Hicks complied with her federal employment tax obligations for the first and second quarters of 2018 but failed to fully pay her employment tax liability for the third quarter of 2018.

28. Absent court intervention, it is likely that Connie Hicks will continue to violate the internal revenue laws by pyramiding unpaid employment and unemployment taxes.

Permanent Injunction Pursuant to 26 U.S.C. § 7402(a)

29. Section 7402(a) of the Internal Revenue Code, 26 U.S.C. § 7402(a), authorizes a federal district court to issue orders of permanent injunction as may be necessary or appropriate for the enforcement of the internal revenue laws.

30. The defendant Connie Hicks d/b/a A New Image Weight Loss has substantially interfered with and continues to substantially interfere with the internal revenue laws by repeatedly failing to pay employment tax obligations as required by 26 U.S.C. §§ 3102, 3111, 3301, and 3402, and repeatedly failing to make employment tax deposits as required by 26 U.S.C. § 6302.

31. Connie Hicks continues to flout the federal tax laws and accrue further tax liabilities. Accordingly, an injunction by this Court ordering Connie Hicks to comply with her federal tax obligations is appropriate for the enforcement of the internal revenue laws.

32. The IRS has exhausted its administrative abilities to compel Connie Hicks to pay her tax liabilities and comply with the internal revenue laws.

33. Absent court intervention, the United States lacks an adequate legal remedy to prevent additional pyramiding of employment taxes owed by Connie Hicks.

34. As a result of Connie Hicks' violation of federal tax law, the United States has suffered irreparable harm, including, but not limited to:

- a. The loss of tax revenue, including the loss of the withheld employee income and FICA taxes for which the employees have already received credit;
- b. The drain on limited IRS resources due to the required oversight and collection efforts; and
- c. The harm to the tax system as a whole when competitors see Connie Hicks d/b/a A New Image Weight Loss' continued non-compliance with the internal revenue laws.

35. The injury to the United States outweighs any potential harm to Connie Hicks as she will merely be compelled to comply with federal law by making timely employment tax deposits.

36. An injunction will serve the public interest. The efficacy of the federal tax system relies upon employers to collect and remit federal employment taxes to the United States. The defendant's failure to make employment tax deposits undermines the system of tax collection because it gives Connie Hicks an unfair economic advantage over competitors who comply with the law. Enjoining Connie Hicks would protect the public interest in the fair administration of the internal revenue laws and in fair competition by halting their wrongful practices.

37. In the absence of an injunction backed by the Court's contempt powers, Connie Hicks is likely to continue to obstruct and interfere with the enforcement of the internal revenue laws by pyramiding employment taxes to the detriment of the United States.

WHEREFORE, the United States requests that the Court:

A. Find that the defendant Connie Hicks d/b/a A New Image Weight Loss has substantially interfered with, and continues to substantially interfere with, the internal revenue laws, and that injunctive relief under 26 U.S.C. § 7402(a) is necessary and appropriate to stop that conduct;

B. Enter a permanent injunction pursuant to 26 U.S.C. § 7402(a) that requires the defendant Connie Hicks d/b/a A New Image Weight Loss to:

- a. Deposit withheld employee income taxes, withheld employee FICA taxes, and employer FICA taxes in an appropriate federal depository bank, in accordance with federal deposit regulations;
- b. Deposit FUTA taxes each quarter in an appropriate federal depository bank, in accordance with federal deposit regulations;

- c. Sign and deliver affidavits to the Internal Revenue Service at 2513 Wesley Street Suite 2, Johnson City, TN 37601 no later than the 20th day of each month, stating that the requisite deposits of withheld income tax, withheld FICA tax, employer FICA tax, and unemployment tax have been made in a timely manner;
 - d. Timely file any delinquent federal employment tax returns (Forms 941 and 940);
 - e. Timely file all federal employment tax returns (Forms 941 and 940) that are required to be filed on or after the date of the entry of the injunction;
 - f. Timely pay all federal employment tax liabilities that accrue on or after the date of the entry of the injunction;
 - g. Be prohibited from assigning any property or making any payments after an injunction is issued until the withholding liabilities and employment taxes are first properly deposited or paid to the IRS; and
 - h. Notify the IRS of any future employment tax conduct with respect to any new or presently unknown company that the Defendants may become involved with, including the imposition of an affirmative duty upon Connie Hicks to notify the IRS of any new business he may come to own, manage, or work for in the next five years;
- C. Order that the United States be allowed to take post-judgment discovery to ensure compliance with the Court's injunction;
- D. Retain jurisdiction over this civil action for the purpose of enforcing the terms of any injunction entered against the defendant;
- E. Award the United States its attorney's fees and costs incurred in prosecuting this action; and

F. Grant the United States such other relief as may be just and proper.

Date: November 19, 2018

J. DOUGLAS OVERBEY
United States Attorney

RICHARD E. ZUCKERMAN
Principal Deputy Assistant Attorney General

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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

County of Residence of First Listed Defendant _____
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 490 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

Case 2:18-cv-00204 Document 1-1 Filed 11/19/18 Page 1 of 2 PageID #: 10

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc: